THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22542 OF 2005

DATED:19.10.2005

Between:

M.Vijay Singh and others

…Petitioners

And

District Collector, Hyderabad, and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22542 OF 2005

ORDER:

The petitioners claim to be the joint owners of land admeasuring 6621.73 Sq.mts in S.Nos.26, 28 and 29 of Baghlingampally Village. They alleged that the second respondent with his staff came to the property on 1.10.2005, demolished the compound wall between petitioner's land in S.No.27 and encroached into petitioner's land. Apprehending further interference with their possession, the petitioners are seeking a Writ of Mandamus directing the respondents not to interfere with peaceful possession and enjoyment of the petitioners' property.

At the time of admission itself, learned Assistant Government Pleader for Revenue (Assignment) obtained instructions and opposed the Writ Petition. He has produced

before this Court an attested copy of the town survey land register extract, and a sketch showing T.S.No.8 (S.No.27) and T.S.No.9 (S.Nos.26, 28 and 29) of Baghlingampally. He submits that the land in T.S.No.8 (S.No.27) is Government poramboke land whereas part of the land in S.No.26 and other survey numbers is shown to belong to Seethal Singh (khatha No.56), who is father of petitioners 1 to 3. On instructions, it is submitted by the learned Assistant Government Pleader that the petitioners have encroached into Government land in S.No.27 to the extent of 251 Sq.yards. The work of construction of houses for weaker sections under WAMBAY scheme by A.P.State Housing Corporation was hampered by reason of compound wall constructed by the petitioners in the Government land. The same was removed and fresh compound wall was constructed within the boundary of the petitioners' property. Learned Assistant Government Pleader submits that the Government or its officials never made any attempt to encroach upon the petitioners' land and that the Writ Petition is filed on mere apprehension.

It is no doubt true that as per the sketch produced before this Court the petitioners are alleged to have encroached upon Government land in T.S.No.8 and constructed a compound wall which was removed by the officials duly constructing a fresh compound wall within the boundary of the petitioners' property. While doing so, minimum requirement of fairness of issuing notice was, however, not followed. Now that the petitioners' property is in tact and a submission is made that officials never interfered with the possession, the matter is left there. If the petitioners land is to be acquired for any other purpose, respondents are at liberty to acquire the same in accordance with law.

The Writ Petition with the above observations is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.10.2005

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